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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 February 1995]

1. One hundred and thirty-one National Parliaments are currently represented within the Inter-Parliamentary Union which also has three associate members.

2. In September 1994, the 92nd Inter-Parliamentary Conference adopted unanimously [1] a resolution entitled: Strengthening national structures, institutions and organizations of society which play a role in promoting and safeguarding human rights. The members of the Commission on Human Rights will find below, for their information, the text of this resolution.

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1 The national Parliaments of the following countries were represented at this Conference: Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Moldova, Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe, and Associate Members: Andean Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe

STRENGTHENING NATIONAL STRUCTURES, INSTITUTIONS AND ORGANIZATIONS OF SOCIETY WHICH PLAY A ROLE IN PROMOTING AND SAFEGUARDING HUMAN RIGHTS

The 92nd Inter-Parliamentary Conference,

Mindful of the need to promote respect for the human rights and fundamental freedoms of all people throughout the world and of all minorities, without distinction as to race, colour, sex, language, age or religion, in accordance with the aims of the Inter-Parliamentary Union, and stressing that human rights are inherent to every human being,

Deeply concerned that the human rights situation in various regions of the world is under serious threat from problems such as foreign occupation, wars, the growth of racism and nationalistic, sectarian, religious and tribal conflicts, terrorism, drug trafficking and poverty,

Reaffirming that genuine observance of human rights throughout the world is the foundation on which to build social justice, economic prosperity and development which honours human values, and that their full respect is indispensable for the further development of friendly relations and co-operation between governments and hence for the establishment of peace,

Endeavouring to promote universal implementation of the Universal Declaration of Human Rights and the International Human Rights Covenants in all areas and in accordance with the aims and principles laid down in the Charter of the United Nations, and to encourage countries to observe the obligations they have assumed under the fundamental international instruments, including regional ones, relating to human rights and humanitarian issues,

Considering that human dignity implies due respect for the freedom of all people to decide on their own destiny and the freedom to engage, without hindrance or limitation and in accordance with the law, in any activity they may deem appropriate to the achievement of their cultural, social and economic development,

Welcoming the appointment of a United Nations High Commissioner for Human Rights as the international focal point for the dynamic development of international human rights standards and practices,

Noting the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights held in Vienna from 14 to 25 June 1993, which reaffirm the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, disseminating human rights information, and providing education in human rights,

Noting the resolutions on national institutions for the promotion and protection of human rights, adopted by the Commission on Human Rights and the UN General Assembly, in particular resolutions 1993/55 of 9 March 1993 and 1994/54 of 4 March 1994, as well as resolution 48/134 of 20 December 1993, respectively,

Reaffirming the "Principles relating to the status of national institutions" adopted by the United Nations General Assembly in December 1993,

Conscious of the important role played by national institutions in promoting human rights and fundamental freedoms - including the right to development - and in sensitizing public opinion to these rights and freedoms,

Noting the importance of the activities of non-governmental organizations in promoting and protecting economic, civil, political, social and cultural rights, and recognizing that education and training, information and documentation play a key role in building awareness and understanding of human rights,

Acknowledging the global plan of action entitled "Education and Information on Human Rights and Democracy" drafted by UNESCO and adopted at the International Congress on Education for Human Rights and Democracy held in Montreal from 8 to 11 March 1993, as well as the resolution adopted by the 89th Inter-Parliamentary Conference on "The implementation of educational and cultural policies designed to foster greater respect for democratic values",

Noting with satisfaction the acknowledgement in the Vienna Declaration and Programme of Action that the human rights of women are an inalienable, integral and indivisible part of universal human rights, and welcoming the appointment by the Commission on Human Rights of a Special Rapporteur on violence against women,

Welcoming the Second International Workshop on National Institutions for the Promotion and Protection of Human Rights in Tunis (13 to 17 December 1993), and taking note of the decisions and recommendations on the strengthening of national institutions adopted on that occasion, as well as the recommendations on the protection of the disabled, children, women and migrants and on arbitrary detention and torture,

Acknowledging the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights and the associated Programme of advisory services and technical assistance of the UN Centre for Human Rights,

Realizing that, owing to the diversity of national contexts and of the structures and operating methods of national institutions for the promotion and protection of human rights, it is neither possible nor necessary for all countries to follow the same model in setting up such institutions,

Stressing that parliaments play a unique and important role in helping governments by adopting legislation to establish national institutions and enhance the operation of such institutions where they already exist,

Recalling the results of the Inter-Parliamentary Symposium on *"Parliament: Guardian of Human Rights"*, held in Budapest from 19 to 22 May 1993, and the resolution adopted by the Inter-Parliamentary Council on 18 September 1993 commending the results of the Symposium and recommending specific follow-up measures,

1. Stresses the importance of universal ratification of the international instruments relating to human rights, and calls on those States which have not done so, to ratify them as soon as possible, including the Convention on the Rights of the Child;

2. Strongly urges States to enact national legislation incorporating the standards embodied in international human rights instruments and to create general conditions conducive to the promotion and protection of human rights, including minority rights, and sustained development;

3. Calls on parliaments to harmonize existing national legislation with international human rights instruments;

4. Also calls on all States to condemn all acts, especially terrorist acts, sponsored by any State, group or person resulting in the destruction of human rights and fundamental freedoms, and to support the proposal for the setting up of an international Criminal Court to prosecute and try those accused of such acts;

5. Recalls the resolution adopted by the 85th Inter-Parliamentary Conference on "Policies to put an end to violence against women and children", and urges parliaments to facilitate implementation of UN instruments, including the Declaration on the Elimination of Violence against Women adopted by the UN General Assembly on 20 December 1993, relating to victims of crime, abuse of power, torture and violence against women and children, paying special attention to provisions on the rehabilitation of victims and their access to compensation;

6. Calls on all States to co-operate with the United Nations High Commissioner for Human Rights and the United Nations Centre for Human Rights;

7. Reaffirms the importance of creating or strengthening, in accordance with national legislation, national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

8. Recognizes that it is the right of each State, in creating such institutions, to choose the framework best suited to its particular needs;

9. Encourages State-established national institutions for the promotion and protection of human rights to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

10. Calls on States to honour the "Principles relating to the status of national institutions" to ensure in particular, that these institutions are:

    (a) independent of Government;
    (b) provided with adequate funding;
    (c) pluralistic and represent those in society involved in the promotion and protection of human rights;
    (d) empowered to comment on the human rights performance of their government; and
    (e) active in human rights education;

11. Requests States to grant, within the limits of legislation and established procedure, resources to national institutions so that they may contribute appropriately to legislative activity and to the drafting of reports to be submitted to relevant UN treaty bodies;

12. Calls on States to take appropriate steps to promote the exchange of information and experience concerning the establishment and operation of national institutions;

13. Also calls on parliaments to establish mechanisms for examining and responding to reports prepared by national human rights institutions;

14. Renews its appeal to States to spare no effort in drawing up and implementing effective legal and other procedures and mechanisms which guarantee better application of international human rights provisions, particularly in the field of administration of justice;

15. Calls on all States to respect the political rights of opposition parties and the freedom of the media;

16. Also calls on all States to ensure that the various national structures, institutions and organizations, including the Judiciary, public prosecutors, police and the armed forces, prison personnel and all responsible agencies are instructed regarding all aspects of their duties and responsibilities deriving from the UN Human Rights Covenants;

17. Recognizes that under the rule of law the police and prosecuting authorities are to be regarded as essential guarantors of an individual's human rights and thus discourage extrajudicial action by aggrieved citizens;

18. Requests States to support information and public awareness programmes for the teaching, promotion and understanding of human rights, in order to combat all forms of discrimination;

19. Calls on parliaments to recognize the important and constructive role that non-governmental organizations can play in conjunction with national institutions, and to support their efforts in order to enhance the promotion and protection of human rights;

20. Recommends that the United Nations Secretary-General give priority to requests for assistance submitted by States in establishing or strengthening national institutions for the promotion and protection of human rights, as part of the Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

21. Recommends further that the UN Secretary-General establish, as soon as possible, a Voluntary Fund for National Institutions, in accordance with the financial rules of the UN, this fund to be managed by a board of directors comprising appropriate representation of the national institutions;

22. Urges strengthening the role of the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights as well as the UNESCO Voluntary Fund for the Development of Awareness on Human Rights through Education and Information, so that governments which so request may obtain assistance for education, information and documentation projects, including those of non-governmental organizations;

23. Reiterates that parliamentary activity as a whole, which covers the entire spectrum of civil, political, economic, social and cultural rights, aims at guaranteeing human rights and fundamental freedoms;

24. Reaffirms that parliamentary democracy can only have real meaning insofar as women are represented in parliament on the basis of strict equality with men in both law and practice, and strongly urges parliaments to promote the Plan of Action to correct present imbalances in the participation of men and women in political life adopted by the Inter-Parliamentary Council on 26 March 1994;

25. Affirms that parliamentary activities in support of human rights can be enhanced through parliamentary committees or sub-committees with a mandate to ensure that human rights are promoted and respected, and urges parliaments to establish such bodies where they do not yet exist and to use the IPU publication "World Directory of Parliamentary Human Rights Bodies" to facilitate contacts and exchange among them;

26. Reiterates its support for the different human rights activities carried out by the Inter-Parliamentary Union, in particular its Committee on the Human Rights of Parliamentarians, and urges all National Groups to strengthen their support for the work of this body, in particular by taking the measures recommended by the Inter-Parliamentary Council in its resolution on the Results and Follow-up of the Inter-Parliamentary Symposium on "Parliament: Guardian of Human Rights".